

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Department of Juvenile Welfare Correctional Services & Welfare of Street Children, A.P., Hyderabad – Disciplinary proceedings against Sri K.Suryanarayana Murthy, former Superintendent, Children Home for Boys, Eluru and RIP (Retd.) - Charges proved – Penalty of withholding of full pension – Orders – Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (JJ).

G.O.Ms.No. 33

Dated:15-07-2011.

Read the following:-

- 1) Procs.No.EA1/33/2009-1, Dt:02.04.2009 of the Director, JWCS & WSC, Hyd.
- 2) Procd.No. EA1/33/2009, Dt:25.05.2009 of the Director, JWCS & WSC, Hyd.
- 3) From Sri K.Suryanarayana Murthy, Supdt.(U/s), Children Home for Boys, Eluru, Written Statement of Defence dt:09-09-2009.
- 4) From the Hon'ble APAT Order in OA.No.5876/2009, Dt:13.05.2009.
- 5) From the Hon'ble APAT Order in MA.No.4546/2009 in MA.No.3540/09 in O.A.No.5876/09, Dt:31.12.2009.
- 6) Procd.No.EA1/33/2009-II, Dt:01-05-2010 of the Director, JWCS & WSC, Hyd.
- 7) Lr.No.CPS/KSN.INR/2010, Dt:10-05-2010 of the Inquiring Authority.
- 8) Govt.Memo.No.1633/JJ/A2/2009, Dated:28.07.2010.
- 9) From Sri K.Suryanarayana Murthy, Superintendent (U/s), Children Home for Boys, Eluru Reprn. Dt.13-08-2010.
- 10) Govt.Memo.No.1633/JJ/A2/2009, Dated:24.08.2010.
- 11) From Sri K.Suryanarayana Murthy, Superintendent (U/s), Children Home for Boys, Eluru Reprn. Dated 06.09.2010
- 12) From the Hon'ble High Court Order in CC.No.853/2010 in WP.No.4492/2010, Dated:27.09.2010 filed by Sri K.Suryanarayana Murthy.
- 13) Govt.Memo.No.1633/JJ/A2/2009, Dated:27.09.2010.
- 14) Procd.No. EA1/33/2009, Dt:30-09-2010 of the Director, JWCS & WSC, Hyd.
- 15) From Sri K.Suryanarayana Murthy, RIP(Retd.), reprn., Dt:26-11-2010.
- 16) Govt.Memo.No.1633/JJ/A2/2009, Dated:19.01.2011.
- 17) Govt.Memo.No.1633/JJ/A2/2009, Dated:09-05-2011.
- 18) From Sri K.Suryanarayana Murthy, RIP (Retd.), representation received on 06-06-2011.
- 19) From the Secretary (i/c), A.P.Public Service Commission, Hyderabad Lr.No.1252/RT-I/1/2010, Dated:05-05-2011.

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In the reference 1st read above, Sri K.Suryanarayana Murthy, Superintendent, Children Home for Boys, Eluru was placed under suspension by the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad, under sub-rule (1) of rule 8 of A.P.C.S. (CCA) Rules, 1991 for committing irregularities such as cutting 22 Nos. of Teak Wood and 7 Nos. of country wood with the help of Juveniles in the Home and for shortage of dietary articles in the Stock Register in the Home.

2. In the reference 2nd read above, disciplinary proceedings were initiated against Sri K.Suryanarayana Murthy, Superintendent, by framing Articles of Charge and calling his written statement of defense. In the reference 3rd read above, the Charged Officer has submitted his Written Statement of Defense, denying the charges and requested to drop further action in the matter.

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3. In the reference 4th read above, the Hon'ble APAT in its order dt.13.05.2009 in OA.No.5876/2009 has directed the Respondents to conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of the order. If, for any reason, the disciplinary proceedings are not concluded within the stipulated time of three months, the Respondents shall reinduct the applicant into service without prejudice to the pendency of disciplinary proceedings. Since the individual has not submitted the defense statement, the Director, JWCS & WSC, A.P., Hyderabad has filed M.A.No.3540/2009 in O.A.No.5876/09 with a request to extend time by 6 months to complete the enquiry. Accordingly, the Hon'ble APAT in its order dated.13.10.2009 has extended the time up to the end of December' 2009. Due to non co-operation of the individual, the enquiry could not be completed by the end of December, 2009 and the department has filed another MA.No.4546/2009 in MA.No.3540/2009 in O.A.No.5876/2009. In the reference 5th read above,, the Hon'ble APAT in its order dated 31.12.2009 in the said M.A. has directed to appoint another enquiry officer who is not a party to the preliminary enquiry and to conclude disciplinary proceedings with in a period of six months from the date of receipt of the order.

4. Taking into consideration of the above orders of the Hon'ble APAT, the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad has appointed an Inquiring Authority for conducting a detailed Inquiry in the matter vide reference 6th read above,.

5. The Inquiring Authority has conducted a detailed inquiry within the time stipulated by the Hon'ble APAT in OA.No.5876/2009 and submitted his Inquiry Report vide the reference 7th read above, holding (ix) charges against Sri K. Suryanarayana Murthy which are as follows:

- i) He has engaged six children for cutting five Teak Wood trees.
- ii) False statement was submitted to the DFO, Eluru on 31.3.2009 that the trees were fallen down at CHB, Eluru due to high compression of proclainers and lorries used for levelling the land while constructing the compound wall of CHB, Eluru.
- ii (a) Submitting a false and contradictory statement in OA.No. 5876/2009 filed in Hon'ble APAT, Hyderabad, stating that as per the suggestions made by the Carpentry Instructor, the Senior House Master has cut the trees into small pieces and shifted the same to the Saw Mill without intimating the same to Sri K. Suryanarayana Murthy.
- iii) Misappropriated the store ration meant for children whose value is Rs.3,03,453/- and threw the blame on the unconcerned subordinate staff.
- iv) Suggestions made to the construction agency (APMHIDC) to deviate from the approved plan on the construction of compound wall.
- v) For monetary gains, two children of Children Home for Boys, Eluru by No.3740 name Sreenu and CH. Suresh who were sold out to outsiders on 4.3.2009.
- vi) Adopted corrupt practices in collecting money from staff for sanction of leaves, GPF loans etc.,
- vii) Misrepresented facts to the higher officials by obtaining signatures on white paper and by making false petitions with forged signatures.
- viii) Tampered the Service Register Sri K.Yesubabu, Night Watchman, GOHB, Vijayawada and changed the orders of punishment in the proceedings dt.18.6.2008 even after being relieved on transfer from OHB, Vijayawada.
- ix) Intentionally absconded from duty and failed to receive the suspension orders issued by the Director, JWCS & WSC which amounts to insubordination and disobedience to the Higher Officials.

(Contd.....3.)

6. A copy of the Inquiry Report was communicated to the Charged Officer under Rule 24 of A.P.C.S. (CCA) Rules, 1991 calling for his explanation, if any, on the findings of the Inquiring Authority. The Charged Officer has submitted his representation denying the charges held proved and requested to drop further action against him.

7. The Juvenile Justice Homes receive children 'in need of care and protection' and the children 'in conflict with law'. These are the children who mostly hail from poor backgrounds or are brought up in difficult circumstances without proper guidance and who for no fault of theirs take to deviant behaviour requiring institutional care and support. The Superintendent has to study the attitude and personality of the children should be able to locate the defects, counsel them, modify their behaviour by instilling strong moral values in them so that the children when they leave the institution, will be able to adopt to the societal norms and lead a normal life without repeating such offences. Superintendents are expected to counsel, guide and help the wards under his supervision by setting example of high moral character and behaviour. Therefore, the Superintendents and all other staff who interact with the children are expected to behave in a responsible and ethical manner such that they can effectively motivate the children and influence them to reform. Any behaviour to the contrary on their part can have a telling effect on the psyche of the children and render all efforts to reform and rehabilitate futile.

8. Government after careful examination of the entire matter to meet the ends of justice, and after considering the Inquiry Officer's report, have observed that the Charged Officer has committed serious irregularities as were mentioned in the Articles of Charge. Therefore, in the reference 8th read above, a show-cause notice has been issued to the Charged Officer requesting to show cause, as to why a major penalty under Rule 9 of APCs (CCA) Rules, 1991 read with G.O.Ms.No.2, G.A. (Ser.C) Dept., Dt:4.1.1999, should not be imposed on him for the charges held proved against him.

9. In the reference 9th read above, the Charged Officer submitted his written representation requesting to permit him another 15 days time to submit his explanation, as his wife met with a road accident and admitted into hospital. But he has not filed any documentary evidence of either the alleged accident or of admission of his wife into hospital.

10. However, considering the request of the Charged Officer, the Government in the reference 10th read above, has permitted another 15 days time to submit his written representation along with the proof of his contention on or before 28.08.2010. The Charged Officer has requested to permit another 2 weeks time to submit his explanation, as his wife is still in the hospital. It indicates that the Charged Officer is not co-operating with the Department and seeking to prolong the issue. In the reference 11th read above, the Charged Officer has submitted his representation, requesting the Govt. to drop further action against him.

11. Sri K.Suryanarayana Murthy has filed C.C.No.853/2010 in High Court and as per the directions of Hon'ble High Court vide reference 12th read above, the Respondents are attended the Court on 27.09.2010 in person with compliance report. The Government in deference to the orders of the Hon'ble High Court in CC.No.853/2010 in WP.No.4492/2010, dt.27.09.2010 have issued orders in reference 13th read above, reinstating Sri K. Suryanarayana Murthy, Superintendent, into service pending finalisation of the disciplinary proceedings and subject to the outcome thereof.

12. Sri K.Suryanarayana Murthy was retired from service on attaining the age of superannuation without prejudice to the disciplinary proceedings/departmental cases pending against him.

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13. In the reference 15th read above, Sri K.Suryanarayana Murthy, RIP (Retd.) denying the charges, has informed that as per rules in force, reinstatement to duty is deemed to have been considered as on duty and the entire period of suspension should be treated as "On Duty" and requested the Govt. to treat the suspension period from 03.04.2009 to 28.09.2010 as on duty and pay the allowances at the early date.

14. In the reference 16th read above, a show-cause notice was issued to Sri K.Suryanarayana Murthy, Superintendent, requesting him to show-cause as to why a major penalty of withholding full pension should not be imposed on him for the charges held proved. Instated of submitting his representation to the show-cause notice, the Charged Officer has requested the Government for extension of time for 10 days and submitted his representation on 14.02.2011 requesting the Government to drop further action against him and regularise the suspension period from 03.04.2009 to 28.09.2010 as on duty.

15. In the reference 17th read above, Government have issued a show-cause notice requesting him to show-cause as to why a penalty of treating the suspension period from 03-04-2009 to 28-09-2010 as 'not duty' should not be imposed on him for the charges held proved against him. In the reference 18th read above, he has submitted his representation stating that the charged officer committed the irregularities as were mentioned in the Articles of Charges are erroneous and the observations are not in accordance with law of procedure prescribed in Rule 20 of A.P.C.S. (CCA) Rules, 1991 and the said rules does not apply in his case since he his retired from service and requested the Govt. to exonerate him of the charges and drop the disciplinary proceedings against him and to give him all reliefs.

16. In the reference 19th read above, the A.P. Public Service Commission has agreed with the proposal of the Government to impose the penalty of withholding of full pension against Sri K.Suryanarayana Murthy, RIP (Retd.) and advised to take action accordingly.

17. After careful examination of the entire matter and after considering the Inquiry Officer's report and the explanation of the Charged Officer against the Show-cause Notice and in consultation with A.P. Public Service Commission, Hyderabad, Government hereby impose a penalty of withholding of full pension under the Provisions of Rule 9 of A.P.C.S. (CCA) Rules, 1991 read with A.P. Revised Pension Rules, 1980 and G.O.Ms.No.2, G.A. (Ser-C) Department, Dt:04-01-1999, besides treating the suspension period from 03.04.2009 to 28.09.2010 as 'not duty' under FR-54 B on Sri K.Suryanarayana Murthy, former Superintendent, Children Home for Boys, Eluru, now RIP (Retd.) as the charges are held proved against him.

18. The Director, Juvenile Welfare Correctional Services & Welfare of Street Children, A.P., Hyderabad is requested to take further necessary action accordingly and also to recover the misappropriated amount from the Charged Officer and report compliance.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.CHAYA RATAN,
SPL.CHIEF SECRETARY TO GOVERNMENT.

To

The Director, Juvenile Welfare Correctional Services & Welfare of Street Children,
A.P., Hyderabad.

Sri K.Suryanarayana Murthy, former Superintendent, Children Home for Boys, Eluru,
RIP (Retd.), through the Director, JWCS & WSC, Hyderabad.

The Accountant General, A.P. Hyderabad.

Copy to:-

The P.S. to Chief Secretary.

The P.S. to Minister (IKP, WCD & SC).

The P.S. to Spl.Chief Secretary to Govt., Dept. for WCD & SC.

The Government Pleader for WD & CW Department (Ser.), APAT, Hyderabad.

SF / SC.

// Forwarded :: By :: Order //

SECTION OFFICER